

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DONNA DONOHUE, KATHLEEN TERRANA
MARY RICHARDSON, and SUSAN WINCHELL,
Plaintiffs,

v.

CITY OF NIAGARA FALLS,

Defendant.

Index No.: **06-CV-0314A(Sr)**

ORDER

Whereas the parties have advised the Court that they have settled this matter on the terms set forth herein, and pursuant to Fed R. Civ. P. 41(a)(2), it is hereby Ordered:

1. Effective November 7, 2006, Defendant shall pay each plaintiff at the wage rate equivalent to that of a police officer with the same seniority, including all step and grade increases, pursuant to whatever collective bargaining agreement is then in effect between Defendant and the Police Club, Inc. or whatever Union then represents police officers employed by Defendant. For purposes of this calculation, the seniority date of Donna Donohue is January 16, 1990, for Kathleen Terrana is January 22, 1990, for Mary Richardson is October 15, 1990 and for Susan Winchell is July 1, 1997. Based these dates of hire, the current rate of pay shall be \$23.9012 for Ms. Donohue, Ms. Terrana and Ms. Richardson and shall be \$23.1158 for Ms. Winchell. These rates shall be increased by 3% effective January 1, 2007. Any shift differential pursuant to the applicable collective bargaining agreement shall be in addition to the hourly rates set forth herein.
2. Effective immediately, Defendant shall comply with applicable federal and state wage payment laws, including, without limitation, those requiring meal and break periods and overtime payments. Defendant shall also pay time and a half for employees required to stay over to cover a vacancy due to the absence of her replacement, whether due to a sick call or otherwise.

3. Effective immediately, in lieu of the uniform allowance paid to members of the Police Club, Defendant shall provide plaintiffs with two uniforms (shirts and pants properly fitted) and boots at no cost to Plaintiffs.
4. On or before the earlier of (a) the date that employees represented by the Police Club, Inc. are paid retroactive salary payments for 2006 or (b) thirty days of this Order, Defendant shall pay each plaintiff an amount equal to her lost wages, as follows:
 - a) Ms. Donohue: \$1.8651 for each hour worked for the period from September 14, 2003 to December 31, 2005 and \$ 2.5613 for each hour worked during 2006.
 - b) Ms. Terrana: \$1.8651 for each hour worked for the period from September 14, 2003 to December 31, 2005 and \$ 2.5613 for each hour worked during 2006.
 - c) Ms. Richardson: \$1.8651 for each hour worked for the period from June 1, 2004 to December 31, 2005 and \$ 2.5613 for each hour worked during 2006.
 - d) Ms. Winchell \$1.5425 for each hour worked for the period from September 14, 2003 to December 31, 2005 and \$ 2.2158 for each hour worked during 2006.
5. Within thirty days of this Order, Defendant shall pay plaintiff's counsel \$3,000 towards plaintiffs' attorney's fees. This payment is in addition to any amounts paid pursuant to any other provision of this Order.
6. This action is hereby dismissed.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: December 18, 2006